**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Social Welfare Department – Appeal petition filed by Sri M. Sunil Babu S/o. M. Rajanna against the Proceedings of the District Collector, Chittoor – Under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No. 16/1993) – **Appeal Allowed** – Orders Issued.

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**SOCIAL WELFARE (CV.1) DEPARTMENT**

**G.O.MS.No. 36** **Dated:10.06.2015**

Read the following:-

1. Proceedings of the District Collector, Chittoor, D.Dis.No.C3/12213/ 2010, dt.13.08.2011
2. Appeal petition of Sri M. Sunil Babu S/o. M. Rajanna, Driver, APSRTC., Depot-II, Madanapalle, Chittoor District, dt.07.11.2012.
3. Govt. Memo. No.15233/CV.1/2012, dt: 07.01.2013.
4. Govt. Lr.No.15233/CV.1/2012, dt: 07.01.2013.
5. From the District Collector, Chittoor, Lr ROC.C3/405/2013, dt.26.04.2013.
6. Govt. Memo. No.15233/CV.1/2012, dt: 11.03.2015 & 08.04.2015.

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**ORDER:**

Vide reference 1st read above, the District Collector, Chittoor has cancelled the Scheduled Caste (Adi Andhra) caste certificate of Sri M. Sunil Babu S/o. M. Rajanna, Chittoor district.

2. In the reference 2nd read above, Sri M. Sunil Babu has filed an appeal petition before the Government u/s 7 (2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 16/1993, against the cancellation of his Scheduled Caste Certificate by the District Collector, Chittoor and prayed for staying the operation of the said suspension.

3. The Government in the reference 3rd read above have admitted said appeal petition and requested the District Collector, Chittoor to furnish the parawise remarks and connected records on the appeal petition.

4. In the reference 5th read above, the District Collector, Chittoor has furnished parawise remarks along with the connected records.

5. The said Appeal Petition has been posted for hearing on 21.01.2013, 22.06.2013, 06.01.2014, 10.02.2014 & 18.04.2015 and the same has been informed to the appellant and requested to attend the hearings with all documentary evidence/certificates in favour of his community claim. The appellant and his counsel have attended for the hearings held on 21.01.2013, 22.06.2013, 10.02.2014 & 18.04.2015 and explained the grounds of appellant's SC 'Adi Dravida 'community claim before the appellate authority.

6. The Government have examined the grounds filed by the appellant in his appeal petition/ parawise remarks submitted by the District Collector, Chittoor/ documentary evidence available with the Government, written arguments submitted by the appellant at the time of hearing and the observations recorded by the then appellate authority during the earlier hearings. The appellant in his appeal petition has stated that the District Authorities have not considered the caste certificate issued by the then MRO, Pedda Thippa Samudram, which was issued after conducting thorough enquiry, as per rules and the procedures and the Respondents have not considered the Certificates issued by the Community elders of the appellant and the concerned Associations i.e., 1) Mala Mahanadu, Palamaner 2) SC, ST Welfare Association, APSRTC, Madanapalle – II Depot.

7. Further it is observed that the counsel for the appellant in his written arguments has stated that the District Collector, Chittoor failed to see that the enquiry has been conducted by the authorities behind the back of the appellant and no opportunity was given to him to prove his case which amount to violation of the principles of natural justice and basing on the names of family members of the appellant it was held that the appellant did not belong to Scheduled Caste even though the appellant is following all traditions and customs and rites of Scheduled caste (Adi-Andhra).

8. Further, it is also observed that at the time of earlier hearings, the then appellate authority has noticed that the DLSC, Chittoor has not given opportunity to the appellant to prove his caste and in fact there has been no conversion into Christianity, mere professing of religion by his family members cannot disqualify him from the statutory benefits ensured to him. There is no proof that the family of the appellant has been converted into Christianity. Further, the appellate authority at present has also opined the same i.e., the appellant is not a converted Christian and he is not following the Christian customs and has not taken Baptism.

**[P.T.O]**

9. The Government, after careful examination of the appeal petition and the circumstances stated supra and in exercise of the powers conferred u/s 7 (2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No. 1993), hereby allow the Appeal Petition filed by Sri M. Sunil Babu by upholding his Scheduled Caste (Adi-Andhra) claim and the Proceedings of the District Collector, Chittoor issued in the reference 1st read above are set- aside.

10. The District Collector, Chittoor shall take necessary action in the matter accordingly.

11. The original record bearing No. D.Dis.C3/12213/2010, Dt.13.8.2011 N.F 1 to 22 pages and C.F 1 to 184 pages received from the District Collector, Chittoor, through reference 4th read above, is returned herewith and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr. VIJAY KUMAR**
**PRINCIPAL SECRETARY TO GOVERNMENT (SW)**

To
The Collector & District Magistrate, Chittoor.(with original records)

Sri M. Sunil Babu S/o M. Rajanna,
D.No.17/170, Opp. VV Mahal Javilli Street,
Palamaner, Chittoor district – 517408.
(or)
R/o. 17/170, Javili Street, Palamaner town and Mandal, Chittoor

**Copy to:**
The P.S. to Hon'ble Minster(SWE&TWE)
The P.S. to Principal Secretary (SW)
SF/SC.

**// FORWARDED:: BY ORDER //**

**SECTION OFFICER**